

Patent

Attorney Docket No.: 12988/19
U.S. Serial No.: 09/575,088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No. : 09/575,088 Confirmation No. 9765
Applicant : Daniel J. GUINAN
Filed : May 19, 2000
Title : MULTI-PARTY ELECTRONIC TRANSACTIONS
TC/A.U. : 3691
Examiner : Thu Thao HAVAN

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal, filed in this case on September 6, 2006, and to the Notice of Panel Decision from Pre-Appeal Brief Review dated November 14, 2006, and responsive to the January 29, 2007 Notification of Non-Compliant Appeal Brief, Appellant provides herewith a revised Section III. (Status of Claims) and a revised Section V. (Summary of Claimed Subject Matter) section of the Appeal Brief. Appellant believes that this response is in accordance with MPEP § 1205.03, and that a new Appeal Brief is not required in order to respond completely to the Notification.

Preliminarily, Appellant notes that the claims in the present application are not subject to 35 U.S.C. § 112, sixth paragraph, nor has there ever been an allegation during prosecution of this application by either Appellant or the Examiner that such is the case. Therefore, Appellant did not map the claims onto the specification, as 37 C.F.R. § 41.37(c)(1)(v) otherwise would require.

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Appellant respectfully traverses the requirement in the Notification of Non-Compliant Appeal Brief, to the extent that the Notification purports to require Appellant to set forth structure, material, or acts described in the specification as corresponding to any claimed function.

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III. STATUS OF CLAIMS

Claims 44-61 are all the claims pending in this application. The Examiner has rejected all of the claims under 35 U.S.C. § 102(e) as being anticipated by Pallakoff et al. (USP 6,269,343). Appellants are appealing all of the rejected claims.

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V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a method, a computer-readable medium including instructions for performing the method, and a system for effecting multi-party electronic commerce involving multiple levels of offers of goods and/or services. Looking at Figure 1, and as described on page 14, lines 1-8 of the specification, in offer hierarchy 100, offers 102, 104, and 106 are for various rollerblade equipment. These offers 102, 104, and 106 correspond to the claimed “first-level offer,” recited in each of independent claims 44, 50, and 56, and also to the claimed “atomic offer” recited in those claims. These offers 102, 104, and 106 are exemplary and non-limiting.

As described on page 14, lines 13-17 of the specification, also with reference to Figure 1, offer 112 is an offer for a package comprising the goods available via offers 102, 104, 106. Offer 112, a package offer, corresponds to the claimed “second-level offer,” recited in independent claims 44, 50, and 56. Once again, the offer 112 is exemplary and non-limiting. As also described on page 14, lines 13-17 of the specification with reference to Figure 1, a broker might combine offers 102, 104, and 106, thereby adding value to the overall package, and might charge a fee over and above the individual prices of the goods in these offers. Offers 102 and 104, or 104 and 106, or 102 and 106, likewise could be combined, for example, into other kinds of second level or package offers.

As described on page 14, lines 9-10 of the specification, offer 108 in Figure 1 is an offer for a rollerblade lesson – a service. This described offer is exemplary, and non-limiting. This is also a “first level offer” or an “atomic offer” in the language of independent claims 44, 50, and

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56. In the embodiment of Figure 1, service offer 108 is combined (for example) with package offer 112 to form a further exemplary package offer 114 which comprises the rollerblade goods of offers 102, 104, and 106, and also the rollerblade service of offer 108. Another way of looking at package offer 114 is with package offer 112 as a single good, for example, from a broker who has combined the offers 102, 104 and 106 into the package, and offer 108, where now offer 112 would be viewed as a first level or atomic offer, as would offer 108, and offer 114 would be a second-level offer.

In any event, all of offers 102, 104, 106, and 108 are for different respective goods or services.

As described on page 9, lines 3-15, an offer comprising goods and services from multiple parties may be termed a multi-party offer, or MPO. Thus, package offer 114 may be termed an MPO, as noted for example on page 19, lines 12-13.

Figure 2 shows the same things as Figure 1, but adds a zero-sum offer 200 for the overall rollerblade package, which for example comprises rollerblade gear (per multi-party offer 114) and a rollerblade lesson 108. As described, for example, at page 17, lines 8-15 of the specification, a counter-offer may be termed a zero-sum offer, because matching an offer and a counter-offer may result in a zero sum.

Figure 3 shows a Venn diagram of the hierarchy shown in Figure 2. Figure 2 is described at page 19, lines 12-24, and Figure 3 is described on page 19, lines 18-24 of the specification. Figures 2 and 3 are also described at page 31, lines 2-17 of the specification.

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Conclusion

In view of the foregoing revisions, Appellant respectfully requests favorable consideration of the Appeal Brief.

The Examiner is hereby authorized to charge any fees which may be necessary for consideration of this paper to Kenyon & Kenyon LLP Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

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